



California Fair Political Practices Commission

January 27, 1988

Daniel S. Chaffin, M.D., Inc.
2000 Van Ness Avenue, Suite 301
San Francisco, CA 94109-3065

Re: Your Request for Advice
Our File No. I-88-016

Dear Dr. Chaffin:

You have asked for information concerning efforts by the association of Labor-Management Administrators and Consultants on Alcoholism to alter Department of Corporations regulations.

The Commission's Legal Division does provide written advice to persons with questions about their duties under the Political Reform Act (the "Act").^{1/} (Section 83114(b).) We do not provide advice to third parties about another person's duties unless the third party has been authorized to request advice by the person whose duties are in question. (Regulation 18329(b)(8)(B).) Therefore, we cannot provide advice on the question you have raised. If you believe that the Act has been violated, you may contact our Enforcement Division for review. If you have any questions, that division can be reached at (916) 322-6441.

Sincerely,

Diane M. Griffiths
General Counsel

DMG:plh

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

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Area Code 415
Telephone 673-9412

December 31, 1987

Fair Political Practices Commission
State of California
428 J Street, Suite 800
Sacramento, CA 95804

Re: Request for Review of Lobbying
Activities by ALMACA

Dear Sirs:

The enclosed letter from ALMACA recently came to my attention. In June, 1987, ALMACA was strikingly successful in its efforts to have our California Department of Corporations alter its regulations. The regulations that were overturned had been in place since the passage of the Knox-Keene Act of 1975 and were designed to assist the DOC in regulating what are now often known as Employee Assistance Program providers ("EAP's"). Four days after the change in DOC regulations requested by ALMACA were submitted to the Office of Administrative Law in June of 1987, the requested exemption was passed. The consequence, proudly proclaimed by ALMACA, is that a very substantial number of California EAP's will now have no licensing or oversight by our DOC.

The enclosed letter from ALMACA soliciting more funds from its members (and others) indicates outstanding "legal bills" (i.e. unpaid legal fees) of approximately \$50,000. There is no statement regarding what sums may already have been paid for legal services and for other lobbying services in successfully overturning what many regarded as an important public protection part of the DOC's Knox-Keene regulations.

It is my understanding that in California here we have a substantial body of statutes that govern lobbying and the financing of lobbying efforts when the object is to overturn long-standing Departmental regulations that were drawn up to implement California statutes. It is my understanding that our statutes governing lobbying to overturn regulations (that have the force of law) are overseen and enforced by your Office.

It would appear from the enclosed ALMACA letter that ALMACA is a national organization and I would presume that fund-raising for the costs of their lobbying to overturn portions of the DOC's Knox-Keene regulations has come from outside of California, and possibly from direct corporate sources. Some of the probable corporate contributors appear to be corporations with registration in other states. I do not know if this is a violation of our California statutes, but I would appreciate hearing from you about that and other aspects of ALMACA's lobbying activities in successfully having our DOC's regulations altered so that many of their EAP members are totally exempted from regulation and licensing.

Sincerely,


Daniel S. Chaffin, M.D.

cc: Christine W. Bender
Richard L. Camilli
Assemblyman Bill Filante

Enc.



ASSOCIATION OF LABOR-MANAGEMENT ADMINISTRATORS
AND
CONSULTANTS ON ALCOHOLISM, INC.

1800 N. Kent Street, Suite 907 • Arlington, Virginia 22209 • (703) 522-6272

December 4, 1987

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Dear [REDACTED]


I am writing to ask you to help ALMACA in paying the legal bills incurred in obtaining and maintaining an exemption for Employee Assistance Providers from the licensing requirements of the Knox-Keene Health Care Service Plan Act of 1975.

Following the initial attempt on August 24, 1984, by the California Department of Corporations to require licensing of EAPs, ALMACA fought to obtain a suitable exemption. We organized our membership, retained legal counsel and entered long, laborious and expensive negotiations. The resulting exemption was hard won and must be vigilantly protected.

The benefits of success are clear, but the costs have been high. We are now faced with outstanding legal bills of approximately \$50,000. In order to share this financial burden equitably, we are asking you -- as one of the 94 EAP providers who received the bad news on April 24, 1984 -- to help us by contributing between \$250 and \$500. Less will be gratefully accepted. More will be highly appreciated.

The lessons from ALMACA's intervention are clear. Attempts by individual states to regulate EAPs might well result in piecemeal curtailment of national EAP growth and development. Within the limits of our financial resources, ALMACA stands ready to intervene wherever and whenever necessary. However, such interventions must fairly allocate financial burdens. Needless to say, but for ALMACA's efforts, you would have had to face this challenge at far greater expense and far less certainty of success.

Sincerely yours,


Gary Atkins
President

Enclosures

President, Gary Atkins, Lockheed Missile and Space Company
Vice President (Operations), Charles F. Pilkington, United Technologies Corporation
President (Administration), Daniel C. Smith, McDonnell Douglas Corporation
Frank P. Burger, United Paperworkers International Union, AFL-CIO-CLC
Madame Bibby, Employee Assistance Program Consultant
at President, Jack Hennessy, Twin Town Treatment Center
at Director, Thomas J. Delaney, Jr., Associate Director, Judith O. Evans



California Fair Political Practices Commission

January 6, 1988

Daniel S. Chaffin, M.D.
2000 Van Ness Avenue, Suite 301
San Francisco, CA 94109-3065

Re: 88-016

Dear Dr. Chaffin:

Your letter requesting advice under the Political Reform Act was received on December 31, 1987 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, we will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Adm. Code Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Diane M. Griffiths
General Counsel

DMG:jaj